

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Case No. 19-20479

TERIN EDWARDS,

Sean F. Cox

United States District Court Judge

Defendant.

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**OPINION & ORDER ON DEFENDANT’S
REQUEST REGARDING HALFWAY HOUSE TIME**

This criminal case is currently before the Court on Defendant’s *pro se* motion, wherein he seeks a judicial recommendation of early placement into a Residential Re-Entry Center (“RRC” or “halfway house”). For the reasons below, the Court DENIES the motion and defers to the discretion of the Federal Bureau of Prisons (“BOP”).

BACKGROUND

In this criminal action, Defendant Terin Edwards (“Edwards”) was convicted of being a felon in possession of a firearm and was sentenced to 62 months of imprisonment. He is currently serving that sentence.

On October 11, 2023, Edwards filed a *pro se* motion wherein he requests that this Court “grant him more halfway house time” than what the BOP plans to provide for him. (ECF No. 70).

In response, the Government filed a helpful brief, noting it is unclear whether Edwards “is requesting additional time at an RRC through early placement or through an extension after completing his custodial sentence,” and addressing both situations.

Edwards then filed a reply brief wherein he clarifies that “Early Placement into the halfway house is what I am requesting.” (ECF No. 76).

ANALYSIS

The BOP may place an inmate in a halfway house for no longer than twelve months at the end of his sentence. 18 U.S.C. § 3624(c)(1); *see also Demis v. Sniezek*, 558 F.3d 508, 514 (6th Cir. 2009). The BOP determines penal facility placement based on several factors, including statements made by the sentencing court. *United States v. George*, 2018 WL 2148179 at *2 (E.D. Mich. 2018) (citing 18 U.S.C. § 3621(b)). While a court may make a non-binding recommendation for placement in a halfway house, the BOP has the exclusive authority to determine if an inmate should be placed there and, if so, for how long. 18 U.S.C. § 3621(b); *see United States v. Caudle*, 2019 WL 5086422 at *2 (N.D. Ohio 2019).

Here, Edwards seeks early placement into a halfway house so that he may help his mother, who is having problems with her health and also “struggling to keep a roof over her head.” (Reply Br. at 1). Edwards asserts that early placement into a halfway house will allow him to seek and maintain employment, so that he may be in a better position to help provide for his mother. Edwards asserts that he is “misconduct free and will remain misconduct free for the remainder of his sentence.” (*Id.* at 2).

The Government has reviewed Edwards’s records from the BOP and confirms that Edwards has no reported disciplinary incidents during his time in federal custody. But it also notes that Edwards’s records show he has some violent history and was already a criminal history category IV, despite his young age.

The records provided to the Court reflect that Edwards has completed some, but not all,

of his counseling and educational programs.

The Court sympathizes with Edwards's desire to obtain employment so that he can help his mother. And Edwards's lack of disciplinary incidents during his incarceration is admirable. Nevertheless, the Court will defer to the BOP's decision as to the date on which Edwards is placed into a halfway house. The BOP has the most complete and accurate information regarding the all of the relevant factors, including the resources of the facility contemplated, and the history and characteristics of the prisoner, to make an individual determination regarding the timing of Edwards's placement.

CONCLUSION & ORDER

For these reasons, Edwards's motion requesting a judicial recommendation concerning the date on which he is placed into a halfway house is DENIED.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: December 12, 2023